

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

JOHN R. KICHLER,

Plaintiff,

v.

Honorable Thomas L. Ludington  
Case Number : 07-15293-BC

WIELAND INTERNATIONAL, NAVISTAR  
FINANCIAL CORPORATION,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION  
AND DISMISSING PLAINTIFF'S COMPLAINT WITH PREJUDICE**

This matter is before the Court on a report issued by Magistrate Judge Charles E. Binder on May 30, 2008, recommending dismissing Plaintiff John Kichler's complaint for want of prosecution under Federal Rule of Civil Procedure 41(b). As of today's date, no party has filed any objections to the magistrate judge's report and recommendation. The failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the reasoning and conclusion of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt #12] is **ADOPTED** and that Plaintiff's complaint is **DISMISSED WITH PREJUDICE**.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: June 23, 2008

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 23, 2008.

s/Tracy A. Jacobs  
TRACY A. JACOBS